

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

SANDRA RODRÍGUEZ COTTO;
RAFELLI GONZÁLEZ COTTO,

Plaintiffs,

v.

WANDA VÁZQUEZ GARCED,
Governor of Puerto Rico; INÉS DEL
C. CARRAU-MARTÍNEZ, Interim
Secretary of Department of Justice of
Puerto Rico; PEDRO JANER,
Secretary of Puerto Rico Department of
Public Safety; HENRY ESCALERA,
Puerto Rico Police Commissioner, all
in their official capacities,

Defendants.

Civil Action No.: 3:20-01235-PAD

**MOTION OF PEN AMERICA AND UGA FIRST AMENDMENT CLINIC
FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE* IN SUPPORT OF
PLAINTIFFS' RENEWED MOTION FOR PRELIMINARY INJUNCTION**

PEN America and the University of Georgia School of Law's First Amendment Clinic respectfully submit this Motion for Leave to File Brief of *Amicus Curiae* in Support of Plaintiffs' Renewed Motion for Preliminary Injunction.

**INTEREST OF *AMICI CURIAE* AND REASONS
WHY THE MOTION SHOULD BE GRANTED**

PEN America is a nonprofit organization that represents and advocates for the interests of writers, both in the United States and abroad. Its membership includes over 7,200 novelists, poets, journalists, essayists, and other professionals, and it is affiliated with over 100 centers worldwide that comprise the PEN International network.

The First Amendment Clinic at the University of Georgia School of Law (“UGA First Amendment Clinic”), located in Athens, Georgia, defends and advances freedoms of speech and the press through direct client representation and advocacy on behalf of journalists, students, government employees, and public citizens. Training law students to be leaders on First Amendment issues as litigators and community educators, the Clinic’s work promotes free expression, newsgathering, and the creation of a more informed citizenry.

PEN America and the UGA First Amendment Clinic (collectively, “*Amici*”) have a particular interest in the First Amendment rights of journalists seeking to

report on matters of public concern, as well as in the public's First Amendment right to receive information about its government. Plaintiffs' case challenges Section 6.14 of Puerto Rico's Department of Public Safety Act 66-2020 which criminalizes the publication of information deemed to be false about conditions in Puerto Rico during a state-declared emergency. This statute threatens to chill press freedoms and impoverish public knowledge about governmental affairs during times when the free flow of information and government accountability matter most. Moreover, statutes similar to the one at issue in this case have been used abroad as tools of censoring legitimate news reporting. *Amici* have an interest in ensuring such suppression does not occur within the United States' borders.

Amici therefore respectfully submit this motion seeking leave to file the attached brief in order to protect the First Amendment right of the press to report on matters of public concern without fear of criminal prosecution and the right of the public to freely receive information from a diversity of sources that ensures discussions of public issues are "uninhibited, robust, and wide-open." *New York Times v. Sullivan*, 376 U.S. 254, 270 (1964). *Amici* have notified counsel for the parties of their intent to file the instant Motion for Leave.

Wherefore, for the foregoing reasons, we respectfully request that this court grant this Motion and permit *Amici* to file their concurrently submitted Brief of

Amicus Curiae in Support of Plaintiffs' Renewed Motion for Preliminary Injunction.

We hereby Certify that this motion is being filed electronically through the CM/ECF system which will notify the parties through their attorneys of record.

Dated: August 13, 2020
San Juan, Puerto Rico

Respectfully submitted,

s/Nora Vargas Acosta
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